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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/833,806	04/12/2001	Akira Arai	9319A-000202	1937	
	o6/04/2002 DICKEY & PIERCE, P.L.C.	P.L.C.	EXAMINER		
P.O. BOX 828			SHEEHAN, JOHN P		
. BLOOMFIEL	D INEED, WIT 100 00		ART UNIT	PAPER NUMBER	
			1742	6	
			DATE MAILED: 06/04/200	DATE MAILED: 06/04/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

<u>-</u> .	· ·				MEL
		Application	No.	pplicant(s)	
Office Action Summary		09/833,806		ARAI ET AL.	
		Examiner		Art Unit	
		John P. She	ehan	1742	
Period fo	The MAILING DATE of this communication or Reply	appears on the c	over s	heet with the correspondence a	ddress
THE - Exterest after - If the - If NC - Failure - Any	ORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIO nsions of time may be available under the provisions of 37 CFF SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per reto reply within the set or extended period for reply will, by streply received by the Office later than three months after the med patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, reply within the statuto riod will apply and will e	howevery minimize SI	er, may a reply be timely filed num of thirty (30) days will be considered time X (6) MONTHS from the mailing date of this become ABANDONED (35 U.S.C. § 133).	ely. communication.
1) 🗌	Responsive to communication(s) filed on	·			
2a) <u></u> □	This action is FINAL . 2b)⊠	This action is no	on-fin	al.	
3)	Since this application is in condition for all	owance except f	or fon	mal matters, prosecution as to t	he merits is
Disposit	closed in accordance with the practice und ion of Claims	der <i>Ex parte Qua</i>	i <i>yle</i> , 1	935 C.D. 11, 453 O.G. 213.	
4)⊠	Claim(s) 1-27 is/are pending in the applica	tion.			·
	4a) Of the above claim(s) is/are with	drawn from cons	iderat	tion.	
5)	Claim(s) is/are allowed.				
6)	Claim(s) is/are rejected.				
7)	Claim(s) is/are objected to.				
8)🖂	Claim(s) 1-27 are subject to restriction and	or election requ	ireme	nt.	
Applicat	ion Papers				
•	The specification is objected to by the Exam				
10)[_]	The drawing(s) filed on is/are: a)☐ a				
	Applicant may not request that any objection t	• ,		•	
11)	The proposed drawing correction filed on				ner.
	If approved, corrected drawings are required in	. •	e actio	on.	
12)	The oath or declaration is objected to by the	Examiner.			
Priority	under 35 U.S.C. §§ 119 and 120				
13)⊠	Acknowledgment is made of a claim for for	eign priority und	er 35	U.S.C. § 119(a)-(d) or (f).	
a)	⊠ All b) Some * c) None of:				
	1. Certified copies of the priority docum	ents have been	receiv	ved.	
	2. Certified copies of the priority docum	ents have been	receiv	ved in Application No	
* (3. Copies of the certified copies of the paper application from the International See the attached detailed Office action for a	Bureau (PCT R	ule 17	7.2(a)).	l Stage
14) 🗀 /	Acknowledgment is made of a claim for dom	estic priority und	er 35	U.S.C. § 119(e) (to a provision	al application).
·	a) The translation of the foreign language Acknowledgment is made of a claim for dorr	provisional app	icatio	n has been received.	
Attachmen	•	p		••	
1)	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No			Interview Summary (PTO-413) Paper N Notice of Informal Patent Application (P Other:	
J.S. Patent and	rademark Office	e Action Summary		Pad	of Paper No. 6

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 to 17, drawn to a cooling roll for manufacturing a ribbon shaped magnetic material, classified in class 492, subclass 28
 - II. Claims 18 to 27, drawn to a ribbon shaped magnetic material, a powder made from said ribbon shaped material and a bonded magnet made from said powder, classified in class 252, subclass 62.55.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be as claimed can be made by another and materially different apparatus such as for example a melt spinning apparatus wherein there is not gas used nor gas expelling structure on the circumference of the surface.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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4. A telephone call was made to Mr. Bryant E. Wade on May 24, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (703) 308-3861. The examiner can normally be reached on T-F (6:30-5:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703) 308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

John P. Sheehan Primary Examiner Art Unit 1742

jps May 24, 2002